

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

John J. Connolly, Jr.
Movant,

- v -

United States of America
Respondent

FILED
CLERK OF DISTRICT COURT
701 DEC -6 P 3:39
Civ. No. 04-12396 JLT
[Crim. No. 99-10428]

MOTION TO STAY MOVANT'S TITLE 28 USC § 2255
PROCEEDINGS IN LIGHT OF NEWLY DISCOVERED EVIDENCE

Comes now, John J. Connolly, Jr., (hereinafter "Movant") appearing pro se in the above captioned matter and hereby respectfully moves this Honorable Court for leave to stay his § 2255 proceedings due to several newly discovered documents, inter-alia, that substantiate his claim of innocence. As necessitated to have such relief granted, the Movant presents the following, to wit:

BRIEF SUMMARY OF THE RELEVANT FACTS AND PROCEDURAL
HISTORY EMINATING FROM MOVANT'S CASE

After a three week trial, a federal jury returned a verdict of guilty of one count of racketeering under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 USC § 1962(c), two counts of Obstruction of Justice, 18 USC § 1503, and one count of making false statements, 18 USC § 1001. The district court subsequently imposed a sentence of 121 months of imprisonment, followed by a two-year period of supervised release.

The Movant timely appealed his conviction and sentence to the First Circuit Court of Appeals and they were affirmed on August 14, 2003. See *United States v Connolly*, 341 F3d 16, (1st Cir. 2003). The Movant proceeding pro se filed a timely 28 USC § 2255 motion in the District Court on November 12, 2004.

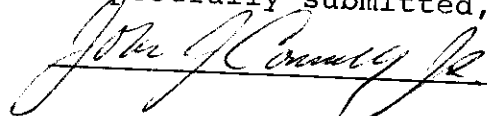
REASONS FOR REQUESTING THE COURT TO STAY MOVANT'S
28 USC § 2255 ACTION AND HOLD IT IN ABEYANCE

The Movant, via his civil attorney filing for discovery in another civil action, recently discovered some new evidence pursuant to the November 20, 2003, report of the Congressional Committee on Government Reform which totally undermine the charges and purported evidence on which movant was convicted on and illuminate the verdict of guilty by the jury, under the law, as null and void. In addition, to the newly identified documents by the Committee on Government Reform, the Committee also cites testimony elicited by the Committee which clearly proves Movant's innocence with respect to the charges brought forward. Movant needs time to review the above cited documents and testimony in order to prepare an appropriate motion to the Honorable Court.

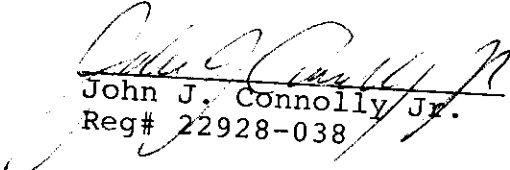
Thus, the Movant asks this Honorable Court not only to stay its hand and hold the action in abeyance due to this newly discovered evidence, but also, until after the Supreme Court renders its decision in Fan-Fan and Booker which are currently before the Supreme Court. The Movant is asking for 120 days stay due to the extrinsic circumstances surrounding the instant action. The requested time will allow for the Supreme Court to hand down it's decision and the Movant the opportunity to determine whether he must amend his § 2255 with another ground or bring a new action under the Federal Rules of Criminal Procedure's Rule 33, new trial.

In sum, for the foregoing reasons, the interests of justice, and in preservation of judicial economy the Movant respectfully requests this Honorable Court to stay it's hand for good cause shown.

Respectfully submitted,



Respectfully requested


John J. Connolly Jr.
Reg# 22928-038

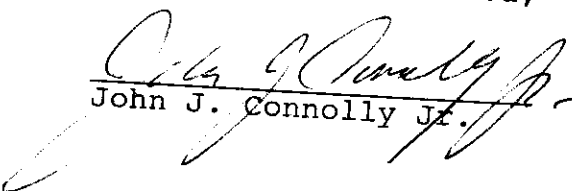
Low Security Correctional Inst.
Vance - A
P.O. Box 999
Butner, NC 27509

CERTIFICATE OF SERVICE

I, John J. Connolly Jr., certify that I mailed one true copy of the foregoing motion to stay and hold in abeyance Movants 28 USC § 2255 motion to the United States Attorney for the District of Massusetts, by placing it in an envelope with first-class postage pre-paid affixed thereto, and addressing to the below address.

US Attorney Michael J. Sullivan
Office of the United States Attorney
District of Massachusetts
John J. Moakley US Courthouse
One Courthouse Way
South Boston, Mass. 02210

Respectfully submitted,


John J. Connolly Jr.